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USWEST

Elridge A. Stafford
Executive Director-
Federal Regulatory

March 4, 1999

EX PARTE

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MAR 4 1999
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
445 12th Street, SW, TW-A325
Washington, D.C. 20554

RE: CC Docket No. 94-54, Resale Obligations Pertaining to
Commercial Mobile Radio Services

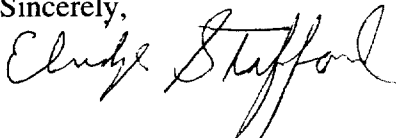
Dear Ms. Salas:

Today, Kathleen Abernathy, Ken Patrich and the undersigned, representing U S WEST, met with the following members of the Wireless Telecommunications Bureau: Thomas Sugrue, James Schlichting, Diane Cornell, Robert Calaff, John Cimko, and Nancy Boocker. The purpose of the meeting was to discuss matters related to CMRS resale obligations. The points addressed in this meeting are set forth in the attached handout. Please include this letter and attachment in the record for the above referenced proceeding.

In accordance with Section 1.1206(a)(2) of the Commission's rules, the original and one copy of this letter, with attachment, are being filed with your office. Acknowledgment and date of receipt of this transmittal is requested. A duplicate of this letter is included for this purpose.

Please contact me should you have any questions concerning this matter.

Sincerely,



cc: Thomas Sugrue
James Schlichting
Diane Cornell

Robert Calaff
John Cimko
Nancy Boocker

Attachment

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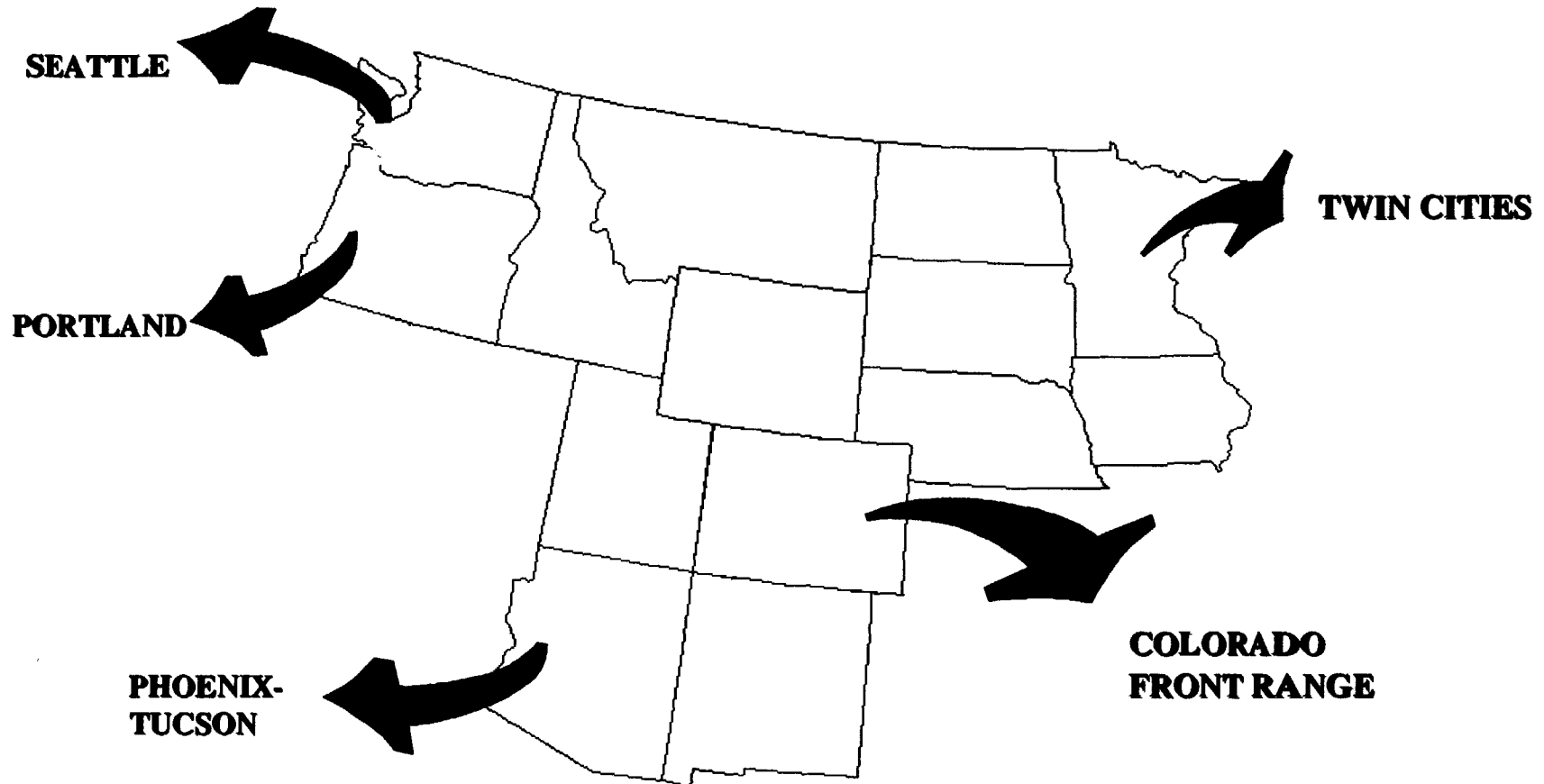
US WEST Wireless, LLC

- **CMRS affiliate of U S WEST Communications**
- **Won 10 MHz PCS licenses in 53 BTA markets**
- **Late '97 - late '98: launched service in 5 metro corridors**
- **1999 plans: expand current markets, enter 3 more**



FCC Exparte: Resale of bundled CPE.

Markets already served



USWEST
life's better here®



FCC Exparte: Resale of bundled CPE.

National Market Share Comparison:

Estimates of mobile two-way voice subscribers

(In millions. Source: Exhibit A in PCIA Comments in WT Docket 98-205)

	PCS	SMR	CELLULAR	% of TOTAL SUBSCRIBERS	
				PCS	SMR
Paul Kagan	7.5	2.1	35.9	16%	4%
Strategis Group	8.2	4.3	30.3	19%	10%
Donaldson, Lufkin	8.6	--	56.9	13%	--
Shosteck Assoc.	5.8	2.4	57.4	9%	4%
Insight Research	8.2	--	51.3	14%	--
3rd CMRS Report	6.4	2.3	59.8	9%	4%



FCC Exparte: Resale of bundled CPE.

Larger resellers in U S WEST Wireless markets

(Source: Reseller responses to survey conducted by RCR Magazine, published January 11, 1999)

- MCI WorldCom
- Select Wireless, Inc.
- Discount Cellular, Inc.
- Marathon Communications
- Phase 2



FCC Exparte: Resale of bundled CPE.

Policy Analysis

- The Commission has indicated that bundled CPE and wireless service packages are subject to the just and reasonable requirements of Title II. See *First Report and Order*, 11 F.C.C.R 18455, 18471-72 (1996).
- However, the provision of CPE is not a common carrier service subject to Title II. See *Policy and Rules Concerning Rates for Dominant Carriers*, 4 F.C.C.R. 2873, 2887 n. 17 (1989).
- Thus, the failure to make CPE available to resellers, whether alone or as part of a bundled offering, cannot be unreasonable under Title II.
- At a minimum, the Communications Act does not compel the FCC to mandate the provision of bundled service and CPE offerings to resellers.
- There is no compelling public interest reason for the FCC to mandate provision of bundled service and CPE offerings to resellers.
- Mandated resale effectively forces the new facilities based competitors to subsidize resellers.



FCC Exparte: Resale of bundled CPE.